

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

**SEARS AUTHORIZED HOMETOWN
STORES, LLC,**

Plaintiff,

v.

Y&O WF, LLC,

Defendant.

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Civil Action No. 7:18-cv-00083-O-BP

FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

United States District Judge Reed O'Connor referred this case to the undersigned for pretrial management on June 28, 2018. ECF No. 36. Before the Court are the Joint Motion to Release Injunction Bond (ECF No. 97) and Joint Motion for Dismissal with Prejudice (ECF No. 98). For good cause shown, and noting that the parties agree to the Motions, the undersigned **RECOMMENDS** that Judge O'Connor **GRANT** the Motions, **ORDER** the Clerk of Court to **RELEASE** to Plaintiff Bond No. 1071086 in the amount of \$66,500, and **DISMISS** all claims asserted by and between Plaintiff and Defendant in this case, **WITH PREJUDICE**, and with each party bearing its own costs.

By their Motions, the parties have informed the Court that they have settled their claims against each other in this case. In their Joint Motion to Release Injunction Bond (ECF No. 97), the parties request that Judge O'Connor order the Clerk of Court to release to Plaintiff Bond No. 1071086 in the amount of \$66,500, which Plaintiff previously filed with the Clerk on June 27, 2018, as reflected in ECF No. 35. In their Joint Motion for Dismissal (ECF No. 98), the parties request that Judge O'Connor enter an order dismissing all claims and counterclaims by or between

them with prejudice and with each party bearing its costs. The Motions are agreed between Plaintiff and Defendant, are well-taken, and should be granted.

Accordingly, the undersigned **RECOMMENDS** that United States District Judge Reed O'Connor **GRANT** the Joint Motion to Release Injunction Bond (ECF No. 97) and Joint Motion for Dismissal with Prejudice (ECF No. 98), **ORDER** the Clerk of Court to **RELEASE** to Plaintiff Bond No. 1071086 in the amount of \$66,500, and **DISMISS** all claims asserted by and between Plaintiff and Defendant, **WITH PREJUDICE**, and with each party bearing its own costs.

A copy of this Findings, Conclusions, and Recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of this Findings, Conclusions, and Recommendation must file specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b)(1). To be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's Findings, Conclusions, and Recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).

SIGNED on August 5, 2020.



Hal R. Ray, Jr.
UNITED STATES MAGISTRATE JUDGE